

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JUAN RAMIREZ ARIAS, JAVIER ANGEL,
MIGUEL RAMIREZ ARIAS, and all other
similarly situated employees of LAND
ORIGINS, LLC,

Plaintiffs,

- against -

LAND ORIGINS, LLC, and JASON
BEATRICE, individually

Defendants.

Civil Action No. 2:19-cv-18823-BRM-JAD

**JOINT MOTION FOR APPROVAL OF
PARTIES' SETTLEMENT AND FOR
DISMISSAL OF ACTION WITH
PREJUDICE**

Plaintiffs Juan Ramirez Arias, Javier Angel, and Miguel Ramirez Arias (collectively "Plaintiffs") and Defendants, Land Origins, LLC and Jason Beatrice (collectively "Defendants") (sometimes referred to together as the "Parties"), through their respective counsel, file this Joint Motion for Approval of Parties' Settlement And For Dismissal Of Action With Prejudice. Plaintiffs and Defendants respectfully state as follows:

1. In the Amended Complaint, Plaintiffs allege that the Defendants, among other things, violated the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.*, and comparable state laws, by failing to pay wages and overtime premiums. Defendants deny the allegations in Plaintiffs' Amended Complaint. Defendants further dispute Plaintiffs' contention that Plaintiffs are owed the wages and overtime premiums alleged. Plaintiffs and Defendants have reached a mutually satisfactory settlement of all claims against all Defendants which they have memorialized in a Confidential Settlement Agreement and General Release ("Settlement Agreement").

2. When an employee brings a private action against his employer (or former employer) under the FLSA, the Court may enter a stipulated judgment dismissing the case after ensuring that the settlement is a fair and reasonable resolution of a *bona fide* dispute under the FLSA. *See Brumley v. Camin Cargo Control, Inc.*, 2012 WL 1019337 at *2 (D.N.J. Mar. 26, 2012).

3. As a material part of their settlement, the Parties have agreed that it is in their mutual interest for their Confidential Settlement Agreement to remain confidential, and that it should not become part of the public record. Accordingly, the Parties have not attached a copy of the Confidential Settlement Agreement to this Motion. However, the Parties, through their counsel, will submit a copy of the confidential Settlement Agreement for review by the Court *in camera* under seal or via e-mail, should the Court request to examine the Settlement Agreement signed by all Parties.

4. The Parties agree and stipulate that the Settlement Agreement is a fair and reasonable resolution of a *bona fide* dispute both as to liability and the amount of any compensation allegedly owed under the FLSA, including Plaintiffs' attorneys' fees and costs. Accordingly, the Parties ask the Court to enter an Order approving the settlement.

5. The Parties agree and submit to this Honorable Court that the resolution of the disputes reached is fair, reasonable and appropriate, given all of the facts in dispute, legal disputes, and other circumstances and that it will not frustrate the implementation of the FLSA in the workplace. Specifically, the Parties agree and stipulate that this case was settled as a result of a detailed analysis of over 200 pages of time and payroll records of the hours that the Plaintiffs worked and the wages that Plaintiffs were paid, and contested facts of allegations between the Parties, so as to fully compensate Plaintiffs.

6. The Parties have attached a proposed Order for the Court's consideration.

WHEREFORE, the Parties respectfully request that this Court approve settlement of this Action as a means of reasonably resolving the disputes among the Parties and Order; and that this Action be dismissed, with the Parties to bear their respective costs and attorneys' fees.

s/ Andrew I. Glenn

Andrew I. Glenn

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Dated: January 20, 2020

s/ Gregg H. Salka

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Attorneys for Defendants

Dated: January 20, 2020

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 20, 2020, I electronically filed the foregoing Joint Motion for Approval of Parties' Settlement And For Dismissal Of Action With Prejudice, with the clerk of the Court by using the CM/ECF System, which will send a Notice of Electronic Filing to all counsel or parties of record on the attached service list.

Dated: January 20, 2020

By: s/ Gregg H. Salka
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SERVICE LIST
CIVIL ACTION NO. 2:19-cv-18823 (BRM)(JAD)

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